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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY ANDERSON,

Defendant and Appellant.

B289462

(Los Angeles County  
Super. Ct. No. SA096220)

APPEAL from a judgment of the Superior Court of Los Angeles County. William Sadler, Judge. Affirmed.

Carlos Ramirez, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

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Defendant Gregory Anderson appeals his conviction, following a jury trial, of battery with injury on a transit operator (Pen. Code, § 243.3) and misdemeanor vandalism (Pen. Code, § 594, subd. (a)).

On July 6, 2016, at 4:30 a.m., defendant emptied a fire extinguisher on a Metropolitan Transit Authority train platform, as the train was pulling into the station. Once the operator stopped the train, defendant tried to break into the locked cab of the train, succeeding in smashing the window separating the cab from the train (the vandalism). He then reached into the cab, ripping the wired radio from the control panel and taking the operator's handheld radio from her person. The operator's finger was injured in the struggle (the battery with injury).

Defendant was charged by information with robbery (Pen. Code, § 211), battery with injury on a transit officer, felony vandalism, and three counts of misdemeanor resisting arrest (Pen. Code, § 69). It was also alleged that defendant had suffered a prior strike (Pen. Code, § 667, subds. (b)-(i)), which also constituted a 5-year prior (Pen. Code, § 667, subd. (a)); and three prior prison terms (Pen. Code, § 667.5, subd. (b)). Prior to trial, the resisting arrest counts were dismissed in furtherance of justice.

The jury acquitted defendant of robbery and felony vandalism, but convicted on the lesser included offense of misdemeanor vandalism. The jury found defendant guilty of felony battery with injury on a transit officer.

Defendant waived jury on the priors. At a bench trial, the strike and three prior prison terms were found to be true. At sentencing, the court chose not to impose sentence on the third prior prison term. Defendant was sentenced to the two year mid-

term on the battery, doubled for the strike, plus two years for the two prior prison terms, for a total of six years in prison. He received a jail term for the misdemeanor, with full credit for time served. Defendant filed a timely notice of appeal.

On October 23, 2018, defendant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). The brief included a declaration that counsel had written to defendant, explaining the brief counsel was filing, and informing defendant of his right to file a supplemental brief. This court sent defendant a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief or letter raising any issues he wished us to consider. Defendant did not file a supplemental brief.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*Wende, supra*, 25 Cal.3d 436.)

#### **DISPOSITION**

The judgment is affirmed.

RUBIN, P. J.

WE CONCUR:

BAKER, J.

MOOR, J.